

THURSDAY, August 29, 1850.

Senate met—roll called—President *pro tem.* in the chair—the following Senators answered to their names :

Messrs. Brashear, Cooke, Campbell, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Portis, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace—quorum present.

The journals of yesterday were read and adopted.

Mr. Cooke presented the petition of the citizens of Falls county, praying the Legislature to remove the present county seat.

On motion of Mr. Cooke, referred to the committee on County and County Boundaries.

Mr. Grimes introduced a bill requiring the Governor to submit any proposition that may be made by the Government of the United States to the State of Texas, for the purchase of a portion of her northwestern territory to the people ; read first time.

Rule suspended, bill read second time.

Mr. Wallace moved to amend the third section by adding thereto "directed in like manner."

On motion of Mr. Grimes, referred to the Judiciary committee.

On motion of Mr. Campbell, said committee was instructed to report at 4 o'clock, P. M.

Mr. Campbell introduced a bill to secure to all actual settlers within the limits of the colony granted to Peters and others, commonly known as Peters's colony, the lands to which they are entitled as colonists ; read first time.

Rule suspended, read second time.

On motion of Mr. Gage, referred to the committee on Public Lands.

Mr. Ward introduced a bill to repeal in part the 3d and 4th sections of an act entitled an act to incorporate the town of Jefferson, approved March 20th, 1848 ; read first time.

Rule suspended, bill read second time.

On motion of Mr. Ward, the rule was further suspended, bill read third time and passed, by the following vote :

Yeas : Messrs. Brashear, Burleson, Cooke, Campbell, Davis, Gage, Grimes, Kinney, Latimer, Moffett, Parker, Portis, Taylor, Truit, Van Derlip, Ward and Wallace—17.

Nays : None.

Mr. Parker introduced a bill to amend an act entitled an act for the relief of William C. Sparks, assignee of Samuel W. Willis, approved February 1st, 1850 ; read first time.

On motion of Mr. Parker, rule suspended, bill read second time and referred to a select committee.

Messrs. Parker, Gage and Wallace were appointed said committee.

ORDERS OF THE DAY.

A bill to define the time of holding the courts in the third judicial district ; read second time and passed to a third reading.

On motion of Mr. Robertson, the rule was suspended, bill read third time and passed.

A bill to authorize and require the county courts to issue unconditional certificates, in certain cases.

Mr. Wallace offered the following amendment :

SEC. 1. Strike out all between "cases," in the fifth line, and "make," in the seventh line, and insert "to bona fide claimants, who shall be required to" Adopted.

SEC. 2. After "laws," in fourth line, insert "as ;" add at the end "and that this act take effect from and after its passage ;" strike out 3d section.

Adopted, and bill passed to a third reading.

A bill to prescribe the time of holding the district courts in the 11th judicial district ; read second time and ordered to be engrossed.

A bill to incorporate the Trinity Plank Road Company ; read second time.

On motion of Mr. Parker, referred to the committee on Internal Improvements with instructions to report on to-morrow the 30th inst.

Joint resolution requesting an increase in the mail service from Austin to Clarksville ; read second time.

Rule suspended.

On motion of Mr. Parker, resolution laid on the table till to-morrow, the 30th inst.

A bill authorizing and requiring the Governor to submit any proposition that may be made by the Government of the United States to a vote of the people of Texas ; read second time ; and referred to the Judiciary committee.

On motion of Mr. Parker, Mr. Grimes was added to the committee on Internal Improvements.

On motion of Mr. Latimer, Mr. Campbell was added to the committee on Public Lands.

On motion of Mr. Robertson, Mr. Campbell was added to the committee on Private Land Claims.

An act to authorize the sale of Austin City lots, and reserved tract adjoining, being the special order of the day, and the question being on the final adoption of the substitute reported by the committee, was taken and carried.

Mr. Wallace proposed a substitute for the first section of the bill, as follows:

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Comptroller of Public Accounts be, and he is hereby authorized and required to cause the reserved tract of land adjoining the city of Austin, and belonging to the State, to be laid off in lots of convenient size, and after giving at least ninety days previous notice of the time, place and terms of sale, by weekly advertisement until the day of sale, in the newspapers published in said city, and in three other newspapers published in the State, to offer for sale at public auction, to the highest bidder, at the Comptroller's office in Austin, said lots so laid off, together with the unsold and forfeited lots in said city, and such of the reserved lots therein as he may think it expedient to sell, upon the following terms, to wit: one-third of the purchase money to be paid in cash at the time of sale, and the balance in two equal semi-annual instalments, the first to be paid in six months, and the second in twelve months from the day of sale. the postponed payments to be secured by bonds, with approved security, made payable to the Comptroller, whose duty it shall be to pay into the Treasury of the State all the money arising from such sale, after deducting enough to defray the necessary expenses thereof.

Mr. Robertson moved to insert after the word "sell," "not exceeding one-half of said lots and tract adjoining." Adopted.

Mr. Robertson moved to amend by inserting the following proviso:

Provided, That in said sale, not more than two adjoining lots shall be sold.

The substitute for the first section was then adopted.

Mr. Wallace offered the following as a substitute for the second section of the bill:

SEC. 2. The Comptroller may adjourn the sale from day to day, for six days, or discontinue the sale, when he shall believe the interest of the State may require it: *provided*, that no other postponement shall be made for a shorter time than sixty days, and the Comptroller shall cause weekly notice to be given in the newspapers printed at Austin, during the time of such postponement, of the time, place and terms of the resumed sale. Adopted.

Mr. Wallace offered the following as an additional section:

SEC. 4. *Be it further enacted*, That if any person or persons shall fail to make payment of the several instalments, in conformity with this act, as they become due; he, or they shall forfeit all such sums as may have been previously paid, and the ground and improvements situated thereon, shall by such default revert to the State, and the Comptroller shall immediately thereupon proceed to re-sell said property as though no such forfeiture had taken place, according to the provisions of this act. Adopted.

Mr. Wallace offered the following additional section:

SEC. That the citizens who have erected houses upon or fenced around the reserved lots in the City of Austin, shall be, and are hereby authorized to remove the same therefrom.— Adopted.

On motion of Mr. Grimes, the bill as amended, was ordered to be engrossed.

Resolution to adjourn *sine die*.

Mr. Parker moved the resolution lay on the table.

Upon which, the yeas and nays were called, and stood thus:

Yeas: Messrs. Burleson, Campbell, Davis, Kinney, Latimer, Parker, Ward and Wallace—8.

Nays: Messrs. Brashear, Cooke, Gage, Grimes, Hart, McRae, Moffett, Portis, Robertson, Taylor, Truit and Van Derlip—12. Lost.

Mr. Grimes moved the following amendment:

Strike out "*sine die*," and insert "to convene again at the capitol in the City of Austin on the second Monday in November next: *Provided*, that in the event no proposition be made to Texas by the United States, for the purchase of any portion of the north-western territory of the State of Texas, then and in that case, the Legislature shall stand adjourned *sine die*."

Mr. Wallace moved the resolution lay on the table until Saturday.

The yeas and nays being called for, stood thus:

Yeas: Messrs. Burleson, Campbell, Gage, Hart, Parker and Wallace—6.

Nays: Messrs. Brashear, Cooke, Grimes, Latimer, McRae, Moffett, Portis, Robertson, Taylor, Truit, Van Derlip and Ward—12.

Mr. Brashear moved the Senate adjourn until 4 o'clock, P. M.

Upon which, the yeas and nays stood:

Yeas: Messrs. Brashear, Burleson, Cooke, Campbell, Grimes, Hart, Latimer, Parker, Taylor, Ward and Wallace—11.

Nays: Messrs. Gage, McRae, Moffett, Portis, Robertson, Truit and Van Derlip—7.

4 O'CLOCK, P. M.

Senate met—roll called—quorum present.

The action of the Senate being on the resolution to adjourn.

Mr. Grimes asked leave to withdraw his amendment.

Leave granted.

Mr. Wallace offered the following amendment to the resolution :

“ Unless definite or reliable intelligence be received before that time, that the Congress of the United States has passed a bill containing propositions to Texas, relative to her north-western territory.”

Upon which, the yeas and nays were called, and stood as follows :

Yeas : Messrs. Burleson, Campbell, Gage, Hart, Parker and Wallace—6.

Nays : Messrs. Brashear, Cooke, Grimes, Kinney, Latimer, Moffett, Portis, Robertson, Taylor, Truit, Van Derlip and Ward—12.

A message was received from the House, through their Chief Clerk, Mr. Hampton, informing the Senate that the House had passed the following bills :

A bill to incorporate the Colordoa Navigation Company.

A bill making an appropriation for the *per diem* pay and mileage of the members and officers of the Legislature, at the extra session, convened the 12th of August, 1850.

Mr. Van Derlip, from the Judiciary committee, made the following reports :

COMMITTEE ROOM, }
August 29, 1850. }

To the President pro tem. of the Senate :

The committee on the Judiciary, to whom was referred an act to attach the counties of Denton and Collin to the ninth judicial district, and to define the time of holding the District courts in the same ; herewith report the same back to the Senate for its action, without any recommendation for or against the bill.

COMMITTEE ROOM, }
August 29, 1850. }

Hon. E. BURLESON,

President pro tem. of the Senate :

The committee on the Judiciary, to whom was referred the annexed resolutions herewith report, that as a bill containing all the necessary provisions contained in said resolutions has been

reported by this committee ; they therefore, recommend that said resolutions be laid upon the table.

Mr. Latimer, from the committee on Public Lands, made the following reports :

COMMITTEE ROOM, }
August 29, 1850. }

Hon. EDWARD BURLESON,

President pro tem. of the Senate :

The committee on Public Lands, to whom was referred a bill to be entitled an act supplementary to an act to perfect the land titles in Castro's colony, approved January 22, 1850, after an examination of the same, have instructed me to report the same back to the Senate with an amendment, and recommend its passage.

COMMITTEE ROOM, }
August 29, 1850. }

Hon. EDWARD BURLESON,

President pro tem. of the Senate :

The committee on Public Lands, to whom was referred an act supplementary to an act entitled an act to secure to settlers within the limits of the colony granted to Peters and others, commonly known as Peters' colony, the lands to which they are entitled as colonists ; have had the same under consideration, and have instructed me to report the same to the Senate without amendment, and recommend its passage.

Mr. Parker, from the select committee, made the following report :

COMMITTEE ROOM, }
August 29, 1850. }

Hon. E. BURLESON,

President pro tem. of the Senate :

The select committee, to whom was referred a bill to amend an act entitled an act for the relief of William C. Sparks, assignee of Samuel W. Willis, approved, February 1st, 1850 ; have instructed me to report the bill back to the Senate and recommend its passage, without amendment.

Mr. Robertson, chairman of the committee on Private Land Claims, made the following report :

SENATE CHAMBER, }
August 29, 1850. }

To the Hon. E. BURLESON,

President pro tem. of the Senate :

The committee on Private Land Claims, to whom was referred a joint resolution for the relief of the heirs of Louis P. Cooke ;

have had the same under consideration, and a majority of said committee have instructed me to report it back to the Senate and recommend its passage ; all of which, is respectfully submitted.

Mr. Wallace, from the Judiciary committee, made the following reports :

COMMITTEE ROOM, }
August 29, 1850. }

Hon. EDWARD BURLESON,

President pro tem. of the Senate :

The Judiciary committee have considered the accompanying bill, and a majority of them have instructed me to report several amendments to the first section thereof, and an additional section. They have likewise, instructed me to recommend the adoption of the amendments and additional section, and the passage of the bill, when so amended.

COMMITTEE ROOM, }
August 29, 1850. }

Hon. E. BURLESON,

President pro tem. of the Senate :

The Judiciary committee having had the petition of sundry citizens of San Augustine under consideration, have instructed me to report that the object of the petitioners will be attained by means of the bill heretofore passed by the Senate, and now before the House of Representatives ; they therefore recommend that the petition be laid on the table.

Mr. Moffett, chairman of the committee on Engrossed Bills, made the following report :

COMMITTEE ROOM, }
August 29, 1850. }

Hon. EDWARD BURLESON,

President pro tem. of the Senate :

The committee on Engrossed Bills have examined a bill to be entitled an act to incorporate the first Presbyterian church in Houston, and find the same correctly engrossed.

On motion of Mr. Grimes, the rule requiring reports to lay on the table one day, was suspended.

A bill requiring the Governor to submit any proposition that may be submitted by the Government of the United States to the State of Texas, for the purchase of a portion of her north-western territory to the people ; upon the report of the Judiciary committee, with the following amendments :

SEC. 1. After "proclamation," in the 7th line, insert "with a copy of said proposition appended thereto."

Strike out "elections to be held," and insert polls to be opened," in eighth and ninth lines.

After the word "refusal," in the 11th line, insert "by vote."

Strike out all after "propositions," in twelfth line.

Additional section.

Be it further enacted, That should any propositions be submitted to the people of Texas for their concurrence, as herein contemplated; then it shall be the duty of the Governor to convene the Legislature, for the purpose of taking final action thereon, within the time prescribed by such proposition. The returns of election that have been received shall be opened, the votes counted, and the result proclaimed by the Speaker of the House of Representatives, in the presence of both Houses of the Legislature, during the first week of the session, and this act take effect from and after its passage.

First, second, third and fourth amendments adopted.

The question being on the adoption of the additional section, reported by the committee.

Mr. Robertson moved to strike out all after "thereon" to "the."

The yeas and nays were called for.

Mr. Wallace offered as a substitute to Mr. Robertson's amendment, the following :

Add to the end of the sentence, "or as as soon thereafter as practicable." Adopted.

Mr. Van Derlip moved to lay the bill and amendment on the table until to-morrow. Lost.

Mr. Robertson offered the following as a substitute for the section offered by the committee :

"That the Legislature hereby declares that the ratification or rejection of said proposition, shall depend on a vote of the people, and if they vote in favor of it, then a proclamation of the fact by the Governor, shall stand as a ratification of said contract on the part of the State of Texas." Lost.

Mr. Robertson offered the following as a substitute for the whole bill :

A bill to be entitled an act to authorize and require the Governor to submit any proposition that may be made by the Government of the United States, to a vote of the people of the State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That upon the receipt by the Governor of this State of any proposition that may be made by the United States to this State, to change or alter her boundary, he shall immediately thereafter issue his proclamation of the fact, accompanied with said propositions to the people of the State, and requiring the

qualified electors to meet at the different election precincts and vote for or against said proposition.

SEC. 2. That said election shall be conducted in all respects, in accordance with the laws regulating elections for members of the Legislature of the State of Texas.

SEC. 3. That the Governor shall require the several returning officers to make return to the Secretary of State in forty days, from said return day, and on the day after the said fortieth day, the Governor and Secretary of State shall proceed to open and count said votes, and if a majority of said votes are in favor of said proposition then the Governor shall issue his proclamation of the fact and shall appoint some suitable person as the agent of the State who shall proceed to the seat of government of the United States and receive the bonds or money that may be due owing Texas, by virtue of said contract; requiring of said agent, such bond and security as he may deem proper; and should a majority of said vote be against said proposition; then the Governor shall issue his proclamation of the fact.

4. That the Legislature hereby declares that the ratification or rejection of said proposition shall depend upon the vote of the people, and that if they vote in favor of it, then a proclamation of that fact by the Governor, shall stand as a ratification on the part of the State of Texas, of such contract.

5. That this act shall take effect from its passage and remain in full force and effect until the first day of December, one thousand eight hundred and fifty.

Upon the adoption of which, the yeas and nays were called and stood thus:

Yeas: Messrs. Portis, Robertson and Truit—3.

Nays: Messrs. Burleson, Cooke, Campbell, Davis, Gage, Grimes, Hart, Kinney, Latimer, Moffett, Parker, Taylor, Van Derlip, Ward and Wallace—17.

The question recurring on the adoption of the section, was taken and carried.

Mr. Robertson moved to take up a bill to provide for organizing the militia of the State, and to suppress the insurrection existing in the counties of Worth and Santa Fe, or in any other section of the State.

The yeas and nays being called for, stood thus:

Yeas: Messrs. Gage, Hart, Kinney, Latimer, Portis, Robertson, Taylor, Truit, Van Derlip and Ward—10.

Nays: Messrs. Brashear, Burleson, Cooke, Campbell, Davis, Grimes, Moffett, Parker and Wallace—9.

Mr. Robertson moved to make the bill the order for to-morrow. Lost.

Mr. Latimer asked leave to withdraw his substitute offered on a previous day for the seventh section.

Mr. Grimes moved that the Senate adjourn until 9 o'clock to-morrow morning.

Upon which, the yeas and nays stood as follows:

Yeas : Messrs. Burleson, Campbell, Gage, Grimes, Hart, Latimer, Moffett, Parker, Taylor, Truit, Van Derlip, Ward and Wallace—12.

Nays : Messrs. Brashear, Cooke, Davis, Kinney, Portis and Robertson—6.

So the Senate adjourned.

FRIDAY, August 30, 1850.

Senate met—roll called—President *pro tem.* in the chair—Senators present :

Messrs. Brashear, Cooke, Campbell, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Portis, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace—quorum present.

The journals of yesterday were read and adopted.

Mr. Hart presented the petition of the citizens of Mercer's colony ; referred to the committee on Public Lands, without reading.

Mr. Campbell presented the petition of the citizens of Mercer's colony ; referred to the committee on Public Lands, without reading.

Mr. Truit presented the petition of the citizens of Shelby county ; referred to the committee on County and County Boundaries, without reading.

Mr. Latimer, chairman of the committee on Internal Improvements, made the following report :

Your committee on Internal Improvements have had under consideration a bill to be entitled an act to incorporate the Trinity Plank Road Company ; and have directed me to report the same back to the Senate, with an amendment to the second section, and recommend its adoption and the passage of the bill, all of which is respectfully submitted.

Amendment to come in at the end of the second section :